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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/458,410

Filing Date: December 10, 1999

Appellant(s): PEYRAVIAN ET AL.

Stephen A. Herrera
Reg. No. 47,642
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 30 June 2006 appealing from the Office action mailed 7 February 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The examiner has withdrawn the rejection of claims 1-19 under 35 U.S.C. 112, first and second paragraph. The examiner has withdrawn the rejection of claims 1 and 9 under 35 U.S.C. 101.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

WO 92/03000 to Haber

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Haber et al WO 92/03000.

As to claim 1, Haber et al discloses a method for time-stamping a digital document comprising:

receiving identifying data derived from a document at an outside agency

[pages 13-14];

creating at the outside agency a first receipt based on the identifying data

[pages 14-15];

creating at the outside agency a second receipt, different from the first receipt based on a time indication that indicates when the document was received at the outside agency [pages 16-17];

inserting a linking value into the first and second receipts that links the identifying data in the first receipt with the time indication in the second receipt [pages 21-22];

certifying the first and second receipts at the outside agency using a cryptographic signature scheme [pages 23-24].

As to claims 2 and 10, Haber et al discloses that the identifying data comprises a digital representation of at least a portion of the document [pages 13-14].

As to claims 3 and 11, Haber et al discloses that the identifying data comprises a digital sequence derived by application of a deterministic function to at least a portion of the document [pages 13-14].

As to claims 4 and 12, Haber et al discloses that the digital sequence is a hash value derived by application of a one-way hashing function to at least a portion of the document [pages 13-14].

As to claims 5 and 13, Haber et al discloses that the first receipt comprises at least a portion of the identifying data and a nonce [pages 14-15].

As to claims 6 and 14, Haber et al discloses that the first receipt comprises a digital sequence generated by applying a pre-determined function to the identifying data [pages 14-15].

As to claims 7 and 15, Haber et al discloses that one of the first and second receipts comprises a user identification number associated with a user [pages 21-22].

As to claims 8 and 16, Haber et al discloses that one of the first and second receipts comprises a sequential record number [pages 21-22].

As to claim 9, Haber et al discloses a method for time-stamping a digital document comprising:

transmitting identifying data derived from the document to an outside agency [pages 13-14];

receiving from the outside agency a first receipt signed by the outside agency using a cryptographic signature scheme, the first receipt including a first digital sequence generated based on the identifying data [pages 14-15];

receiving from the outside agency a second receipt signed by the outside agency using a cryptographic signature scheme, the second receipt being different from the first receipt and containing a second digital sequence based on a time indication that indicates when the document was received at the outside agency [pages 21-22]; and

wherein the first and second receipts include a linking value that links the identifying data in the first receipt with the time indication in the second receipt [pages 21-22].

As to claim 17, Haber et al discloses that a common cryptographic signature scheme is used to sign both the first and second receipts [pages 23-24].

As to claim 18, Haber et al discloses that different cryptographic signature schemes are used to sign the first and second receipts [pages 23-24].

As to claim 19, Haber et al discloses that the linking value is a nonce value [pages 21-22].

(10) Response to Argument

As per claim 1:

A. The Appellant's issue regarding claim 1 is whether Haber creates the claimed two-part time stamp receipt. The Appellant argues that each of the first and second parts of the receipt must include a value that links the two parts together, and each being created during the same time stamping transaction.

The examiner respectfully disagrees. The examiner asserts that the Appellant has not claimed that each of the first and second parts are created during the same time stamping

transaction. All that has been claimed is “creating at the outside agency a first receipt based on the identifying data” and “creating at the outside agency a second receipt, different from the first receipt based on a time indication that indicates when the document was received at the outside agency”. There is no mention of creating each receipt during the same transaction.

B. The Appellant argues that rather than creating two different parts of a time stamp receipt related to the same document, the method of Haber creates a single receipt associated with a single transaction for a single document. The Appellant points out that Haber then concatenates that single receipt with another previously created time-stamp receipt. The Appellant argues that this previously created time-stamp is created in Haber during a completely different and unrelated transaction.

The examiner respectfully disagrees. Haber discloses creating two different receipts relating to the same document. Haber’s first receipt for document D_k comprises the string, (r_k, t_k, ID_k, H_k) . Haber discloses using a time (t_{k-1}) for the preceding document D_{k-1} . The TSA adds this data to the receipt string for D_k to form the second receipt. The second receipt, R_k , now contains data fixing the time for D_k and a time, t_{k-1} , before which author, A_k , cannot claim that D_k existed. As stated above, the examiner asserts that the Appellant has not claimed that each of the first and second parts are created during the same time stamping transaction. All that has been claimed is “creating at the outside agency a first receipt based on the identifying data” and “creating at the outside agency a second receipt, different from the first receipt based on a time indication that indicates when the document was received at the outside agency”. There is no mention of creating each receipt during the same transaction.

C. The Appellant argues that each time stamp receipt created in Haber contains a hash (H_k) of a document (D_k), the ID of the author (ID_k), a sequential receipt number (r_k), and a time indication (t_k) that indicates when the TSA processed the receipt. The Appellant argues that each single receipt for a given document D_k in Haber contains both the identifying data and a time indication.

The examiner acknowledges that each time stamp receipt created in Haber contains a hash (H_k) of a document (D_k), the ID of the author (ID_k), a sequential receipt number (r_k), and a time indication (t_k) that indicates when the TSA processed the receipt. However, the Haber reference covers the claimed limitations. Haber discloses a first receipt that contains identifying data (H_k). Haber discloses a second receipt that is different from the first receipt that is based on a time indication that indicates when the document was received at the outside agency. This receipt, R_k , contains data fixing the time for D_k and a time, t_{k-1} , before which author, A_k , cannot claim that D_k existed.

D. The Appellant argues that Haber necessarily fails to disclose the claimed linking value. The Appellant argues that the claimed linking value links the first receipt containing the identifying data with the second receipt containing the time that the outside agency received the identifying data. The Appellant argues that Haber, in contrast, simply creates a composite receipt representing the current transaction and all prior transactions.

The examiner respectfully disagrees. The first and second receipts contain time values t_k and t_{k-1} , respectively. These two values link the two receipt together so that there is data fixing the time for D_k and a time, t_{k-1} , before which author, A_k , cannot claim that D_k existed.

As per claim 9:

A. The Appellant argues that Haber does not create the requisite two-part time stamp receipt. Therefore, whatever the requestor may receive from the TSA in Haber is not the first and second parts of a two-part time stamp receipt, each of which includes a linking value.

The examiner respectfully disagrees. Haber discloses creating two different receipts relating to the same document. Haber's first receipt for document D_k comprises the string, (r_k, t_k, ID_k, H_k) . Haber discloses using a time (t_{k-1}) for the preceding document D_{k-1} . The TSA adds these data to the receipt string for D_k to form the second receipt. This receipt, R_k , now contains data fixing the time for D_k and a time, t_{k-1} , before which author, A_k , cannot claim that D_k existed.

As per claims 1-19:

The examiner withdraws the rejection of claims 1-19 under 35 U.S.C. 112, first and second paragraph. The examiner has found support in the specification for "receiving identifying data derived from a document at an outside agency".

As per claims 1 and 9:

The examiner has withdrawn the rejection of claims 1 and 9 under 35 U.S.C. 101.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

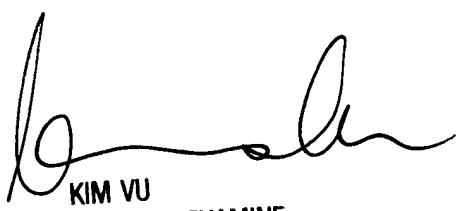
Respectfully submitted,

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Conferees:

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